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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,862

10/02/2003

Anthony Scott Oddo

SEDN/PRED113

4611

56015 7590 06/11/2008

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EXAMINER

SAWAGED, SARI S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

06/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION*****Response to Amendment***

The after final amendment filed on 5/19/2008 has been entered. The amendment has overcome the 35 USC 112 rejection for claims 8,9,10, and 15 that was discussed in the Final Rejection that was filed on 3/19/2008. However, claims 1-15 are still rejected under 35 USC 102 (e) as discussed in the Final Rejection filed on 3/19/2008

***Response to Arguments***

The applicant argues that Schlack fails to teach or suggest “interpreting at least one signal from the stream of command signals based on the viewer profile” as claimed in claim 1. More specifically, the Applicant argues that Schlack’s profile filters do not rely on a particular viewer profile to determine whether an event is relevant to that profile.

The examiner respectfully disagrees. Schlack discloses that “each profile filter 250 determines whether or not the event is relevant to the data the profile filler 250 is tracking”. This is the equivalent to determining whether an event is relevant (as the Inventor stated in his Argument). Schlack also goes on to say that each filter may handle one or more profiles elements, determining whether or not each specific event is applicable to (i.e., should be used to update) one or more profiles. Schlack’s invention determines whether an event is relevant and interprets the event according to one or more profiles based on those profiles. Schlack understands that different viewers have different viewing habits

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or preferences and therefore uses historical data or “signatures” (see Col. 7 lines 17-19) when profiling viewers to correctly interpret viewer behaviors or habits (“command signals”) based on the signatures of the viewer/profile (see Col. 23 line 25 – Col. 24 line 15).

The applicant argues that Schlack fails to teach or suggest “means for dynamically determining at least one viewing recommendation based on the generated information” as claimed in claim 2.

The examiner respectfully disagrees. Schlack’s invention dynamically monitors and determines which viewer is watching the television based on the viewer’s interaction (events) and the viewer’s signature (historical data) (see Col. 7 lines 10-19 and Col. 17 lines 15-19). When the identity of a specific viewer can be identified, targeted content (see Col. 36 lines 51-55) can be directed to that viewer. Schlack’s invention “dynamically determines at least one viewing recommendation” because it dynamically monitors which viewer is watching the television and targets content to that viewer. Targeted content for one viewer may not be suitable for another viewer; therefore, Schlack’s invention has the inherent capability of dynamically targeting content based on which viewer is watching television at that particular time.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW KOENIG can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/  
Examiner, Art Unit 2623

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2623